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EXPRESS MAIL NO. EV336611719US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Raymond L. Houghton et al.
Application No. : 10/076,622
Filed : February 13, 2002
For : COMPOSITIONS AND METHODS FOR THE THERAPY AND
DIAGNOSIS OF BREAST CANCER

Examiner : Janet L. Epps
Art Unit : 1635
Docket No. : 210121.470C11
Date : October 29, 2003

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. §§ 1.56 and 1.97 through 1.98, applicants wish to make known to the Patent and Trademark Office the references set forth on the attached Forms PTO-1449. This application is a continuation-in-part and relies, under 35 U.S.C. § 120, on the earlier filing date of prior application USAN 10/007,805, filed December 7, 2001; which is a continuation-in-part of USAN 09/834,759, filed April 13, 2001; which is a continuation-in-part of USAN 09/620,405, filed July 20, 2000; which is a continuation-in-part of USAN 09/604,287, filed June 22, 2000; which is a continuation-in-part of USAN 09/590,751, filed June 8, 2000; which is a continuation-in-part of USAN 09/551,621, filed April 17, 2000; which is a continuation-in-part of USAN 09/433,826, filed November 3, 1999; which is a continuation-in-part of USAN 09/389,681, filed September 2, 1999; which is a continuation-in-part of USAN 09/339,338, filed June 23, 1999; which is a continuation-in-part of USAN 09/285,480, filed April 2, 1999; which is a continuation-in-part of USAN 09/222,575, filed December 28, 1998. The references listed on the attached form PTO-1449 were cited by the Office in these prior applications and, therefore, are not required to be provided in the present application, however, copies are included herewith (*see, e.g.*, MPEP § 609 wherein it states that "the examiner will consider information which has been considered

by the Office in a parent application when examining a continuation application, divisional application or continuation-in-part application. Such information need not be resubmitted in the continuing application unless applicant desires the information to be printed on the patent). To this end, applicants desire that the information listed on the attached form PTO-1449 be considered and printed on the patent to be issued on this application.


As to any reference supplied, applicants do not admit that it is "prior art" under 35 U.S.C. §§ 102 or 103, and specifically reserve the right to traverse or antedate any such reference, as by a showing under 37 C.F.R. § 1.131 or other method. Although the aforesaid references have been made available to the Patent and Trademark Office in compliance with applicants' duty to disclose all information they are aware of which is believed relevant to the examination of the above-identified application, applicants believe that their invention is patentable.

Please acknowledge receipt of this Second Supplemental Information Disclosure Statement and kindly make the cited references of record in the above-identified application.

A fee of \$180 is submitted in accordance with 37 C.F.R. § 1.97(c). The Commissioner is authorized to charge any other fees which may be required, or credit any overpayment to Deposit Account No. 19-1090.

Respectfully submitted,

Seed Intellectual Property Law Group PLLC



Julie A. Urvater, Ph.D., Patent Agent
Registration No. 50,461

JAU:ljt

Enclosures:

- Postcard
- Check for \$180
- PTO/SB/21
- PTO/SB/17 (+ Copy)
- Form PTO-1449
- Copies of Cited References (7)

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031
v428677

FORM PTO 1449
(REV 7-80)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
210121.470C11APPLICATION NO
10/076,622SECOND SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT

(Use several sheets if necessary)

APPLICANTS
Raymond L. Houghton et al.FILING DATE
February 13, 2002GROUP ART UNIT
1635

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AE					
	AF					
	AG					
	AH					

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AI	GenBank Database, Accession No. AA219147, February 7, 1997.
	AJ	GenBank Database, Accession No. AI272025, November 17, 1998.
	AK	GenBank Database, Accession No. AI687645, May 27, 1999.
	AL	GenBank Database, Accession No. AI049911, October 22, 1999.
	AM	GenBank Database, Accession No. AQ280806, November 22, 1998.
	AN	Genseq (Derwent) Database, Accession No. AAV41453, October 12, 1998.
	AO	Genseq (Derwent) Database, Accession No. AAV90219, February 15, 1999.

EXAMINER

DATE CONSIDERED

* EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).

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**TRANSMITTAL
FORM**(To be used for all correspondence
after initial filing)

Application Number	10/076,622
Filing Date	February 13, 2002
First Named Inventor	Raymond L. Houghton
Art Unit	1635
Examiner Name	Janet L. Epps
Attorney Docket No.	210121.470C11

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ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> CD(s), Number of CD(s) _____
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Request for Corrected Filing Receipt	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Amendment/Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Declaration	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Second Supplemental Information Disclosure Statement; Form PTO-1449	<input type="checkbox"/> Statement under 37 CFR 3.73(b)	<input checked="" type="checkbox"/> Return Receipt Postcard
<input checked="" type="checkbox"/> 7 Cited References	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	_____
<input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53		_____
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		_____

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual Name	Julie A. Urvater, Ph.D., Patent Agent Reg. No. 50,461	Customer Number 00500
Signature		
Date	October 29, 2003	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name

Signature

Date:

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

428679

FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) **180.00**

Complete if Known

Application Number **10/076,622**
Filing Date **February 13, 2002**
First Named Inventor **Raymond L. Houghton**
Examiner Name **Janet L. Epps**
Art Unit **1635**
Attorney Docket No. **210121.470C11**

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METHOD OF PAYMENT

☒ Payment Enclosed:
☒ Check ☐ Credit card ☐ Money Order ☐ Other
☐ Deposit Account:
Deposit Account Number **19-1090**
Deposit Account Name **Seed Intellectual Property Law Group PLLC**
The Director is authorized to (check all that apply)
☐ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any deficiencies
to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non English specification	
1812	2520	1812	2520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1480	2254	740	Extension for reply within fourth month	
1255	2010	2255	1005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1510	1451	1510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1330	2453	665	Petition to revive - unintentional	
1501	1330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$) 180.00

SUBMITTED BY

Name (Print/Type) **Julie A. Urvater, Ph.D., Patent Agent**
Signature *Julie Urvater*
Registration No. (Attorney/Agent) **50,461**
Date **October 29, 2003**

Customer Number

00500

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.